

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON DICKERSON, as an individual and)	Case No.: 1:21-cv-01384-NONE-JLT
on behalf of all others similarly situated,)	
Plaintiff,)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
v.)	Discovery Deadlines:
AERA ENERGY, LLC, a California limited)	Initial Disclosures: 12/21/2021
liability company,)	Non-Expert (Class Issues): 7/25/2022
Defendant.)	Mid-Discovery Status Conference:
	4/14/2022 at 8:30 a.m.
	Class Certification Motion Deadlines ¹ :
	Filing: 4/21/2023
	Opposition: 6/23/2023
	Reply brief: 7/25/2023
	Hearing: 8/31/2023 at 10:00 a.m.

I. Discovery Plan and Cut-Off Date

The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1) on or before **December 21, 2021**.

Discovery is now open for all non-expert discovery pertaining to the class certification motion and to the merits only to the extent it overlaps with the class issues. All non-expert discovery related to the motion for class certification **SHALL** be completed no later than **July 25, 2022**. Both sides may conduct discovery as to the evidence relied upon in support of the motion and in opposition to the

¹ The Court will set a further scheduling conference after the motion for class certification is determined.

1 motion for class certification.

2 The Court sets a mid-discovery status conference on **April 14, 2022**, at 8:30 a.m. at 510 19th
3 Street, Bakersfield, California. Counsel **SHALL** file a Joint Mid-Discovery Status Conference
4 Report one week prior to the conference, and shall also lodge it via e-mail, in Word format, to
5 JLTorders@caed.uscourts.gov. The joint statement **SHALL** outline the status of the matter,
6 including all discovery that has been completed as well as any impediments to completing the
7 discovery within the deadlines set forth in this order. **Counsel SHALL discuss settlement and**
8 **certify that they have done so.** Counsel may appear via teleconference by dialing (888) 557-8511
9 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk
10 receives a written notice of the intent to appear telephonically no later than five court days before the
11 noticed hearing date.

12 **II. Pre-Trial Motion Schedule**

13 Non-dispositive motions are heard before the Honorable Jennifer L. Thurston, United States
14 Magistrate Judge, at the United States Courthouse in Bakersfield, California. For these hearings,
15 counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
16 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the
17 intent to appear telephonically no later than five court days before the noticed hearing date.

18 **No motion to amend or stipulation to amend the case schedule will be entertained unless**
19 **it is filed at least one week before the first deadline the parties wish to extend.** Likewise, no
20 written discovery motions shall be filed without the prior approval of the assigned Magistrate
21 Judge. A party with a discovery dispute must first confer with the opposing party in a good faith
22 effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the
23 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate
24 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to
25 the court. To schedule this telephonic hearing, the parties are ordered to contact the Courtroom
26 Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at SHall@caed.uscourts.gov. At least three
27 days before the conference, counsel SHALL file informal letter briefs detailing their positions. The
28 briefs may not exceed 7 pages, excluding exhibits. **Counsel must comply with Local Rule 251 with**

1 respect to discovery disputes or the motion will be denied without prejudice and dropped from
2 the Court's calendar.

3 In scheduling such motions, the Magistrate Judge may grant applications for an order
4 shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an order
5 shortening time, the notice of motion *must* comply with Local Rule 251.

6 **III. Motions for Summary Judgment or Summary Adjudication**

7 **At least 21 days before** filing a motion for summary judgment or motion for summary
8 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
9 to be raised in the motion.

10 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
11 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
12 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
13 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
14 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

15 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed
16 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
17 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
18 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
19 statement of undisputed facts.

20 In the notice of motion the moving party **SHALL** certify that the parties have met and conferred
21 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
22 **comply may result in the motion being stricken.**

23 **IV. Motion for class certification**

24 The motion for class certification **SHALL** be filed no later than **April 21, 2023**. Opposition
25 to the motion **SHALL** be filed no later than **June 23, 2023**. During the interval between the filing of
26 the motion and the deadline for the opposition, the Defendant may conduct discovery as to the
27 evidence relied upon by Plaintiff for the motion for class certification.

28 Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and

1 evidentiary objections, unless leave is granted by the Court prior to the filing. Any reply **SHALL** be
2 filed no later than **July 25, 2023**, and shall not exceed 15 pages, exclusive of evidentiary objections.
3 During the interval between the filing of the opposition and the deadline for the reply, the Plaintiff
4 may conduct discovery as to the evidence relied upon by Defendant for the opposition to the motion
5 for class certification.

6 Any objections to the evidence **SHALL** be filed at the same time as the opposition (for
7 Defendant) and the reply (for Plaintiff).² A hard-copy, courtesy copy of all filings related to the
8 class motion **SHALL** be sent via overnight mail to the Chambers of Judge Thurston at the same
9 time the filing is submitted. All of the pages of evidence in the hard copy **SHALL** be numbered,
10 tabbed and indexed.

11 The hearing on the motion for class certification is set for **August 31, 2023** at 10:00 a.m.

12 **V. Settlement Conference**

13 If the parties believe the matter is in a settlement posture, the parties may submit a joint written
14 request for a settlement conference, at which time a conference will be set with the Court.

15 **VI. Compliance with Federal Procedure**

16 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
17 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
18 amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently
19 handle its increasing case load and sanctions will be imposed for failure to follow both the Federal
20 Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

21 **VII. Effect of this Order**

22 The foregoing order represents the best estimate of the court and counsel as to the agenda most
23 suitable to dispose of this case. If the parties determine at any time that the schedule outlined in this
24 order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments
25 may be made, either by stipulation or by subsequent status conference.

26 **The dates set in this order are firm and will not be modified absent a showing of good**
27

28 ² No motions to strike evidence will be entertained. If the Court sustains an objection to a piece of evidence,
the evidence will not be considered.

1 cause even if the request to modify is made by stipulation. Stipulations extending the deadlines
2 contained herein will not be considered unless they are accompanied by affidavits or
3 declarations, and where appropriate attached exhibits, which establish good cause for granting
4 the relief requested.

5 Failure to comply with this order may result in the imposition of sanctions.

6
7 IT IS SO ORDERED.

8 Dated: December 9, 2021

/s/ Jennifer L. Thurston
9 CHIEF UNITED STATES MAGISTRATE JUDGE